

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Richard B. Myre,

Plaintiff,

v.

Civil No. 08-853 (JNE/SRN)
ORDER

Steve Jacobson, and as agent for Fairway
Independent Mortgage Corporation,

Defendants.

There was no appearance on behalf of Plaintiff Richard B. Myre.

Gregory A. Bromen, Esq., Halleland Lewis Nilan & Johnson, P.A., appeared for Defendants Steve Jacobson and Fairway Independent Mortgage Corporation.

Plaintiff Richard B. Myre, acting pro se, brings this action against “Steve Jacobson, and as agent for Fairway Independent Mortgage Corporation.”¹ The case is before the Court on Defendants’ motion to dismiss for failure to state a claim upon which relief can be granted. *See Fed. R. Civ. P. 12(b)(6)*. Myre filed no response and did not appear at the hearing. For the reasons stated below, the Court grants Defendants’ motion.

Under Rule 12(b)(6), a defendant may move to dismiss for failure to state a claim where the allegations in the complaint are so deficient that they provide no cause for relief. *Quinn v. Ocwen Fed. Bank FSB*, 470 F.3d 1240, 1244 (8th Cir. 2006). Though pro se pleadings should be construed liberally, “the complaint must allege facts, which if true, state a claim as a matter of law.” *Martin v. Aubuchon*, 623 F.2d 1282, 1286 (8th Cir. 1980).

¹ Steve Jacobson and Fairway Independent Mortgage Corporation treat the Complaint as if it named both parties as defendants.

It appears that Myre complains that Fairway Independent Mortgage Corporation did not answer correspondence in a timely fashion. The Complaint does not include a request for relief or a statement of jurisdiction, and it does not allege that Defendants committed any tort, breached any contract, or violated any statute. The Court is unable to discern any cognizable cause of action stated by the Complaint. Therefore, IT IS ORDERED THAT:

1. Defendants' Motion to Dismiss [Docket No. 11] is GRANTED.
2. The Complaint [Docket No. 1] is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 25, 2008

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge